

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

BRANDI L. DAWKINS,	)	
	)	Civil Action No. 09-1342
Plaintiff,	)	
	)	Judge Nora Barry Fischer
v.	)	Magistrate Judge Lisa Pupo Lenihan
	)	
ARAMARK, WASHINGTON AND	)	
JEFFERSON COLLEGE, and UNUM	)	
	)	
Defendants.	)	

**ORDER**

The above captioned case was filed on October 5, 2009, and was assigned to United States Magistrate Judge Lisa Pupo Lenihan. Upon the filing of a notice of District Judge Option (Doc. No. 24), Judge Nora Barry Fischer was assigned and the case was referred back to Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation (Doc. No. 33), on February 18, 2010, that recommended the Motion to Dismiss Plaintiff's Complaint filed by the Defendant Washington and Jefferson College be granted in part with regards to Count 1 and II and denied in part with regard to Court III. The Defendant filed timely Objections to the Report and Recommendation (Doc. No. 35) on March 4, 2010. The Magistrate Judge then filed a Supplemental Report and Recommendation (Doc. No. 39) on March 12, 2010, that recommended that Defendant Washington and Jefferson College's Motion to Dismiss Plaintiff's Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) (Doc. No. 8) be granted. It was further recommended that Plaintiff's prematurely-filed Amended Complaint (Doc. No. 36) be stricken as

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moot. The parties were advised they were allowed fourteen (14) days from the date of service to file written objections to the Supplemental Report and Recommendation. No objections have been filed. After review of the pleadings and documents in the case, together with the report and recommendation, the following order is entered:

**AND NOW**, this 6<sup>th</sup> day of April, 2010;

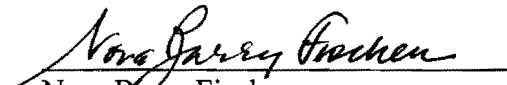
**IT IS HEREBY ORDERED** that Defendant Washington and Jefferson College's Motion to Dismiss Plaintiff's Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) is **GRANTED**.

**IT IS FURTHER ORDERED** that the Amended Complaint (Doc. No. 26), prematurely-filed on March 7, 2010, is **STRICKEN AS MOOT**.

**IT IS FURTHER ORDERED** that the Report and Recommendation (Doc. No. 33) of Magistrate Judge Lenihan, dated February 18, 2010, is **TERMINATED**.

**IT IS FURTHER ORDERED** that the Supplemental Report and Recommendation (Doc. No. 39) of Magistrate Judge Lenihan, dated March 12, 2010, is adopted as the opinion of the court.

By the Court:

  
Nora Barry Fischer  
United States District Judge

cc: Lisa Pupo Lenihan  
United States Magistrate Judge

Counsel of record.

